रजिस्ट्री सं० डी. 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 37] नई दिल्ली, मंगलवार, अक्तूबर 19, 1965/आश्विन 27, 1887
No. 37] NEW DELHI, TUESDAY, OCTOBER 19, 1965/ASVINA 27, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 19th October, 1965/Asvina 27, 1887 (Saka)

THE TAXATION LAWS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1965

No. 5 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

An Ordinance further to amend the Income-tax Act, 1961, the Estate Duty Act, 1953, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and to provide for exemption from tax in certain cases of undisclosed income invested in National Defence Gold Bonds, 1980.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

Short title and commencement.

1. (*1*) This Ordinance may be called the Taxation Laws (Amendment and Miscellaneous Provisions) Ordinance, 1965.

(*2*) It shall come into force at once.

Amendment of section 2.

2. In section 2 of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), in sub-clause (*iv*) of clause (*14*), after the figures "1980", the following shall be inserted, namely :— 43 of 1961

"or National Defence Gold Bonds, 1980".

Amendment of section 10.

3. In section 10 of the Income-tax Act, after sub-clause (*i*) of clause (*15*), the following sub-clause shall be inserted, namely :—

"(*ia*) annual payment on National Defence Gold Bonds, 1980 ;".

Amendment of section 193.

4. In section 193 of the Income-tax Act, in the proviso, after clause (*i*), the following clause shall be inserted, namely :—

"(*ia*) any interest payable to an individual on 4¼ per cent National Defence Loan, 1968 or 4¾ per cent. National Defence Loan, 1972 ; or".

Amendment of Act 34 of 1953.

5. In the Estate Duty Act, 1953,—

(*i*) in sub-section (*1*) of section 33, after clause (*o*), the following clause shall be inserted, namely :—

"(*p*) National Defence Gold Bonds, 1980, to the extent of the principal value of such Bonds for an aggregate weight of fifty kilogrammes of gold :

Provided that if such Bonds had passed on the death of any person, the exemption conferred by this clause shall not be available in respect of the same Bonds passing on any subsequent death.";

(*ii*) in sub-section (*1*) of section 34, in clause (*a*), for the brackets, letters and word "(*n*) and (*o*)", the brackets, letters and word "(*n*), (*o*) and (*p*)" shall be substituted.

Amendment of Act 27 of 1957.

6. In section 5 of the Wealth-tax Act, 1957, in sub-section (*1*), for clause (*xvia*), the following clause shall be substituted, namely :—

"(*xvia*) 6½ per cent. Gold Bonds, 1977, 7 per cent. Gold Bonds, 1980 and National Defence Gold Bonds, 1980 ;".

Amendment of Act 18 of 1958.

7. In section 5 of the Gift-tax Act, 1958, in sub-section (*1*), after clause (*iii*), the following clause shall be inserted, namely:—

"(*iiia*) of property in the form of National Defence Gold Bonds, 1980, not exceeding the value of such Bonds for an aggregate weight of five kilogrammes of gold in any previous year:

Provided that the exemption conferred by this clause shall be available only to a person who has initially subscribed to the said Bonds;".

Exemption from tax in certain cases of undisclosed income invested in National Defence Gold Bonds, 1980.

11 of 1922 43 of 1961. 15 of 1940. 21 of 1947. 14 of 1963. 7 of 1964.

8. (*1*) Where a person who has acquired any gold out of his income which has not been disclosed by him for the purposes of the Indian Income-tax Act, 1922, or the Income-tax Act, 1961, or the Excess Profits Tax Act, 1940, or the Business Profits Tax Act, 1947, or the Super Profits Tax Act, 1963, or the Companies (Profits) Surtax Act, 1964, tenders such gold as subscription for the National Defence Gold Bonds, 1980, prior to the detection of such income by the Income-tax Officer or the seizure of such gold under any law for the time being in force, such income shall, notwithstanding anything contained in the said Acts, not be included in his income, profits or gains chargeable to tax under the said Acts in an assessment or re-assessment for any assessment year made under the said Acts on or after the 20th day of October, 1965.

27 of 1957.

(*2*) In computing the net wealth of a person under the Wealth-tax Act, 1957, the value of the assets represented by the income, which under sub-section (*1*) is not includible in his income, profits or gains, shall, notwithstanding anything contained in the said Act, not be taken into account in an assessment or re-assessment for any assessment year made under the said Act on or after the 20th day of October, 1965.

(*3*) (*a*) The name of the person subscribing to the National Defence Gold Bonds, 1980, and any particulars relating to the Bonds subscribed to by him, shall be treated as confidential, and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to disclose the name of such person or any such particulars or to give any evidence in respect thereof.

(*b*) No public servant shall disclose the name of the person subscribing to the National Defence Gold Bonds, 1980 or any particulars relating to the Bonds subscribed to by him, except to an officer employed in the execution of any of the Acts mentioned in sub-section

(*1*) or the Wealth-tax Act, 1957 or to any officer appointed by the Comptroller and Auditor-General of India or the Central Board of Direct Taxes (constituted under the Central Boards of Revenue Act, 1963) to audit income-tax receipts or refunds. 27 of 1957 54 of 1963

(4) In this section,—

(*a*) "gold" means gold, including its alloy, whether virgin, melted, re-melted, wrought or unwrought, in any shape or form, and includes any gold coin (whether legal tender or not), any ornament and any other article of gold;

(*b*) "public servant" includes an officer or other employee of the Reserve Bank of India.

S. RADHAKRISHNAN,

President.

R. C. S. SARKAR,

Secy. to the Govt. of India.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1965.